

**ST. GEORGE CITY COUNCIL MINUTES  
REGULAR MEETING  
NOVEMBER 19, 2015, 5:00 P.M.  
CITY COUNCIL CHAMBERS**

**PRESENT:**

**Mayor Jon Pike  
Councilmember Gil Almquist  
Councilmember Jimmie Hughes  
Councilmember Michele Randall  
Councilmember Joe Bowcutt  
City Manager Gary Esplin  
City Attorney Shawn Guzman  
City Recorder Christina Fernandez**

**EXCUSED:**

**Councilmember Bette Arial**

**OPENING:**

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Scout Ben Ashton and the invocation was led by Reverend Alex Wilkie.

Mayor Pike introduced the Youth City Council and welcomed the student teachers from Dixie State University.

City Manager Gary Esplin advised that item 3E will not be heard tonight; it will be heard on December 3, 2015.

**FINANCIAL REPORT:**

**Consider approval of the September, 2015 financial report.**

City Manager Gary Esplin advised that this is the 3<sup>rd</sup> month in the fiscal year; everything appears to be going in the right direction. Sales tax is up approximately 7 1/2% and revenues in the General Fund are plus 4%, expenditures are less than average.

**MOTION:** A motion was made by Councilmember Randall to approve the September, 2015 financial report.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**LEASEHOLD ENCUMBRANCE:**

**Consider approval of a leasehold encumbrance on the private hangar leases for lots 56F and 55E.**

City Manager Gary Esplin explained when these properties are leased, they are required to be debt free; however, the City has allowed an encumbrance to be placed on the land for the cost of the improvements.

**MOTION:** A motion was made by Councilmember Almquist to approve the leaseholding encumbrance on hangars 56F and 55E at the St. George Regional Airport.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**PRIVATE HANGAR AGREEMENTS:**

**Consider approval of a private hangar agreement between the City of St. George and Chandelle Aviation Hangars, LLC for Lot 58G.**

**Consider approval of a private hangar agreement between the City of St. George and Chandelle Aviation Hangars, LLC for Lot 58F.**

**Consider approval of a private hangar agreement between the City of St. George and Chandelle Aviation Hangars, LLC for Lot 58D.**

City Manager Gary Esplin explained when the agreement for these hangars was first approved; they were lumped together into one agreement. These agreements will separate the hangars, all of which are owned by Chandelle Aviation Hangars, LLC.

**MOTION:** A motion was made by Councilmember Hughes to approve the hangar lease for 58G, 58F and 58D.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**PRIVATE HANGAR AGREEMENT:**

**Consider approval of a private hangar agreement between the City of St. George and Michael Busher for Lot 58B.**

City Manager Gary Esplin advised this is an agreement for one of the hangars in the original agreement; it assigns hangar Lot 58B to Michael Busher.

**MOTION:** A motion was made by Councilmember Randall to approve the private hangar agreement for Lot 58B, between the City of St. George and Michael Busher.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**AWARD OF BID:**

**Consider award of bid to Development Solutions Group, Inc. for 2.13 acres of City property located at the southeast corner of Horseman Park Drive and 2350 East and execution of a Purchase Agreement and Special Warranty Deed.**

City Manager Gary Esplin explained this request is to sell 2.13 acres of City-owned property near Horseman Park Drive and 2350 East. Two bids were received; the highest bidder at \$234,321 was Development Solutions Group, Inc.

**MOTION:** A motion was made by Councilmember Almquist to award the bid to Development Solutions Group, Inc. for the sale of 2.13 acres of City property located at the southeast corner of Horseman Park Drive and 2350 East and to execute the Purchase Agreement.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**PROFESSIONAL SERVICES AGREEMENT:**

**Consider approval of a professional services agreement with Bowen Collins & Associates for the Bluff Street Storm Water Master Plan.**

City Manager Gary Esplin explained this is an award of contract with Bowen Collins & Associates for the Bluff Street Storm Water Master Plan. This project will evaluate alternatives to resolve storm water issues along Bluff Street.

Purchasing Manager Connie Hood advised the cost is \$30,500 with the City's portion being \$15,250.

City Attorney Shawn Guzman explained what a performance bond is.

City Manager Gary Esplin advised that the performance bond will be for the entire amount.

**MOTION:** A motion was made by Councilmember Hughes to approve the professional services contract with Bowen Collins & Associates for the Bluff Street Storm Water Master Plan in the amount of \$30,500.

**SECOND:** The motion was seconded by Councilmember Almquist.

Mayor Pike noted that the City will only pay half of the amount.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**AWARD OF CONTRACT:**

**Consider award of contract to Alpha Engineering for design and construction management services for the Red Hills Parkway Realignment and Drainage project.**

City Manager Gary Esplin stated this project is required to be done prior to the Red Hills Parkway Project. The work will be done adjacent to the old golf course on the east side of the east black ridge. Additionally, this project will realign the roadway since the state is putting in an underpass under the freeway. Alpha Engineering will be doing the design and construction management services for the project.

**MOTION:** A motion was made by Councilmember Randall to award the contract to Alpha Engineering for design and construction management services for the Red Hills Parkway Realignment and Drainage project.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**CHANGE ORDER:**

**Consider approval of a change order to the professional services agreement with Alliance Consulting for the Middleton Wash Trail repairs.**

City Manager Gary Esplin explained this is a change order for the agreement with Alliance Consulting for the Middleton Wash Trail repairs. In the middle of the project, staff decided to beef up repairs so that the area does not flood again.

Purchasing Manager Connie Hood added that originally, there was a \$25,000 limit which was exceeded. The additional amount is \$6,210.

**MOTION:** A motion was made by Councilmember Hughes to approve the Middleton Wash Trail change order for the professional services agreement in the additional amount of \$6,210.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**SERVICES AGREEMENT:**

**Consider approval of a services agreement with Alta Planning and Design, Inc. for the St. George Active Transportation Plan.**

Support Services Director Marc Mortensen explained last January, the Mayor and Council assembled the Active Transportation Committee. That Committee's primary purpose was to put an active transportation plan into place. The plan will take place over the next couple of months; it ties together current bike routes, identifies gaps in the trail system and establishes designated bike routes along City roads. Half of the funding comes from the Dixie MPO and the other half from the Public Works budget. The total is \$50,000.

Mayor Pike read an email from Craig Shanklin, one of the Committee members.

**MOTION:** A motion was made by Councilmember Almquist to award the services agreement with Alta Planning and Design, Inc. for the St. George Active Transportation Plan in the amount of \$50,000.

**SECOND:** The motion was seconded by Councilmember Randall.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**AWARD OF BID:**

**Consider award of bid for a new vac-con combination jet/vacuum sewer cleaner for Wastewater Collections.**

City Manager Gary Esplin explained that items 2F and 2G are tied together. They are for the jet vacuum truck for Wastewater Collections. The bid will be awarded to NJPA in the amount of \$167,507, which is included in the budget. Both items combined are less than what was budgeted.

**MOTION:** A motion was made by Councilmember Hughes to approve the bid to NJPA for the vac-con vacuum sewer cleaner for \$167,507.

**SECOND:** The motion was seconded by Councilmember Randall.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**AWARD OF BID:**

**Consider award of bid for a new 2015 Freightliner 114SD chassis/cab for Wastewater Collections.**

City Manager Gary Esplin advised this is under state contract at a cost of \$105,562.

**MOTION:** A motion was made by Councilmember Almquist to award the state contract bid for the 2015 Freightliner 114SD chassis/cab at \$105,562.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

City Manager Gary Esplin noted that this seems like a bit of money; however, the City has a policy to clean the sewer lines regularly. Staff has seen a significant decline in sewer related issues.

**INTERLOCAL AGREEMENT/RESOLUTION:**

**Consider approval of a resolution authorizing the execution of an Interlocal Agreement to pledge certain funds to the Tuacahn Center for the Arts.**

City Manager Gary Esplin advised this item is an interlocal agreement with Ivins City for \$25,000 per year for 20 years based upon available resources during the budgeting process. It is anticipated and budgeted out of RAP tax funds for the next 10 years at which time, the Council will determine where to get the funds to fund the remaining years. He explained that the RAP tax is generated by sales tax, most of which comes from visitors. The City of St. George and Tuacahn generate more sales tax related revenues than any other entity in the County. If they cannot expand and put on their productions, RAP tax funds will be reduced.

Mayor Pike added that Tuacahn is a significant economic impact to the City, County and State in the amount of approximately \$80 million per year.

**MOTION:** A motion was made by Councilmember Almquist to approve the resolution between the City of St. George and Ivins City for the Interlocal Agreement to pledge certain funds to the Tuacahn Center for the Arts.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

Mayor Pike again mentioned that item 3E will not be heard tonight.

**PUBLIC HEARING/ANNEXATION/ORDINANCE:**

**Public hearing to consider a request to annex 3.614 acres located at approximately 1060 West Shady Springs Drive into the City municipal boundaries. HET TSA Group, LLC, applicant.**

City Manager Gary Esplin stated this request is to annex 3.614 acres located along the west end of Indian Hills Drive. Staff has not received any opposition to the annexation.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Hughes to approve the annexation of 3.614 acres into the City boundaries; property is located at approximately 1060 West Shady Springs Drive.

**SECOND:** The motion was seconded by Councilmember Randall.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/ZONE CHANGE/ORDINANCE:**

**Public hearing to consider a zone change from R-1-10 to C-3 on 2.54 acres generally located between Black Ridge Drive and Bluff Street. Jennings Investment, applicant.**

Planning and Zoning Manager John Willis presented the request for a zone change for property generally located between Black Ridge Drive and Bluff Street. He showed maps of the property, a zoning map, a general plan map and photos of the area. Planning Commission recommended approval.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Bowcutt to approve the zone change from R-1-10 to C-3 on 2.54 acres generally located between Black Ridge Drive and Bluff Street.  
**SECOND:** The motion was seconded by Councilmember Randall.  
**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/AMEND PD ZONE/ORDINANCE:**

**Public hearing to consider amending the PD zone for a proposed site plan and to add the use of a skilled nursing facility to the previously approved list of uses for property located at approximately 2000 East Riverside Drive. MWE St. George Medical Properties, applicant.**

Planner Ray Snyder presented the request for a PD zone amendment for property located at approximately 2000 East Riverside Drive. They plan to develop a skilled nursing facility on the property. He showed an aerial map of the area, a zoning map, a general plan map and a close-up map of the property. The property is comprised of five separate parcels. He then showed a record of survey, an aerial view of the proposed project, height plans, elevations and the design and materials board. The purpose of this amendment is to add the use of a skilled nursing facility to the previously approved list of uses. The facility be approximately 47,000 sq. ft. and will have the capacity to house 100 patients.

Bruce Haywood, applicant, stated the purpose of the facility is to provide short term rehab for patients after surgery or injury. Their facility is a sub acute facility with little traffic. The average length of stay for patients is 20-30 days. They rarely have emergency vehicles at the facility.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Almquist to approve the zone change and recommend the ordinance to amend the PD-C zone for the project at approximately 2000 East Riverside Drive, adding the skilled nursing facility for MWE St. George Medical Properties including the site plan.

**SECOND:** The motion was seconded by Councilmember Bowcutt.  
**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/GENERAL PLAN AMENDMENT/ORDINANCE:**

**Public hearing to consider amending the General Plan from OS to LDR, MDR and HDR on approximately 22.33 acres located at the Bloomington Golf Course, Country Club and off Bloomington Drive and generally west of the Virgin River. Darcy Stewart, applicant.**

Planning and Zoning Manager John Willis presented the request for a general plan amendment for property located at the Bloomington Golf Course, Country Club and off Bloomington Drive and generally west of the Virgin River. The proposal is to modify the land use. He showed a zoning map, a general plan map, the proposed plan, a legend, maps of the parcels and a radius for letters sent. If the request is approved, the applicant will have to return with a zone change application.

City Attorney Shawn Guzman stated that he spoke to several residents at the Planning Commission meeting. There were some questions regarding the master plan that was originally approved by the County. The documents in the City's possession state the only obligation the City had during the annexation process was to maintain the roadway and infrastructures (utilities). Further, the documents note that there were already some developments in the area that may not have been in harmony with City ordinances. Undeveloped land came in as open space; it would be developed in accordance with City ordinances at the time the development is approved. There are no master plan requirements. If there were with the County, they did not extend to the City when the area was annexed.

City Manager Gary Esplin explained this area was annexed due to the bankruptcy of the developer. Approximately 50% of the residents asked to be annexed into the City. There were discussions regarding the condition of the roads and who will run the facilities. The zoning was only for the developed properties that were already subdivided. Some of the property in Bloomington Hills was not developed yet; they were required develop according to current City codes.

Mr. Willis mentioned that the Planning Commission recommended approval.

Mayor Pike noted this is a general plan amendment. Zoning specifics will not be discussed at this time. If approved, the applicant will design and return for a zone change.

Darcy Stewart, applicant, explained about 2-3 years ago, a member of the board of trustees for the Bloomington Country Club asked him to consider buying the golf course. He was not interested at that time due to the cost. About a year ago, the

board asked him to help; at which time they asked the City to take over the golf course. The benefit to the City is hard to measure; however, the golf courses are important to the development of the City. He had no interest until he was told that as of July, they were out of money – they were going to close the doors. They started having meetings with the residents who were very supportive. In good faith, they began taking over the golf course. He explained that when developing a golf course, they do so because they can get premiums for those who purchase lots on the course. In this case, there is very little development that can take place. They looked at how they can generate income from the asset that would help offset the cost of the renovation, which is approximately \$6 - \$8 million. They found several delinquent maintenance issues that should have taken care of a while ago. First, they need to come up with assets to renovate the facility. Then they need to find a way to put the course and the facility on solid financial ground moving forward. The proposal is one that gives them an envelope to work within. They do not plan on developing 22 units to the acre. It is important to know that this will be done as a PUD. The homes and condos will be expected to help pay for the maintenance of the facility. The first phase, they will renovate the current facility; the second will have a state of the art fitness facility with a possible ballroom on the second floor. They do not intend to make firm plans until they get approval from the City. The idea of losing this course compelled them to figure this out. When completed, it will be a first class facility.

Mayor Pike opened the public hearing. If opinions are the same, he asked that comments be kept to a minimum.

Richard Kohler, resident, distributed written remarks and mentioned that he is president of the Washington County Historical Society. The covenants that came with his condo consisted of 154 pages. Those covenants give him the right to open space where the golf course is. Regarding the annexation, he received copies of the annexation documents. According to those documents, the CCR's say that in the Bloomington subdivisions, there are certain restrictive covenants that were recorded and do effect the use of the property. These will be unchanged by virtue of annexation. He believes that all of the owners in Bloomington have a right to the view corridors. If approved, this proposal will change the open space to building mass. The applicant is asking the City to allow for a non-profit to become a for-profit golf course entity without reviewing the contract between the parties and the governing documents of the golf course. Additionally, the applicant is asking the open space be vacated without reviewing the private covenants. He told City Attorney Shawn Guzman that the Utah State University archives have a copy of the master plan documents - they should be found and examined. The applicant wants to replace open space without reviewing prototypes. In this case, the information has not been provided. Further, the applicant has not provided information regarding probable fiscal impacts on City services or taxation for the residents or the City as a whole. Nor have they provided negative impacts on the environment. Loss of private views will reduce property values. There will also be a loss of views of the Virgin River corridor, loss of privacy and the loss of existing mature vegetation. If approved, the applicant will save the golf course with the profits of developing the residential units; however, there is no document outlining any obligation of the applicant to do anything. He stated that he does not object to Mr. Stewart's plan for the club house and mentioned that Mr. Stewart's partner is good at saving golf courses.

When other golf courses were saved, the developers did not request additional development. The Council has not seen documents including the Bloomington Master Plan, Bloomington CCR's, Bloomington Country Club CCR's, minutes from City meetings when Bloomington Country Club asked for similar things or when the Bloomington Annexation was discussed. The applicant threatened to sell the course if the amendment is not approved. In fact, they have received an offer from a developer in Colorado. He believes the Council should be stopping this as it is the wrong thing to do.

Gail Maxwell, resident and member of Bloomington Community Council stated that they have dedicated their time and energy keeping the Bloomington area looking nice. He is concerned with Mr. Kohler's comments regarding promises made through covenants, if this does not get approved, the beautiful course will become weeds and dead grass until development occurs. He moved to the area because there was a beautiful course and club house. What attracted most residents to the area will be gone. He hopes the Council supports Mr. Stewart. If the course closes, it will affect property values and lives.

Farrell Peterson, resident, stated that he spoke with a lot of the club members who are excited with what is happening. The course looks good and has new life. He is in favor of the proposal and urged the Council to approve the request. Change has to take place; this is a change to look forward to.

Alan McKee, resident, explained that he was on the Board of Trustees when Bill Daley resigned at which time he assumed role of president. The board did everything possible to keep the course running, making some tough decisions. One of which was for the staff to take a 10% reduction in pay. At the end of fiscal year 2016, they would have seen a loss of \$255,000 before depreciation, \$487,000 after. At that time, they met with Mayor Pike and City Manager Gary Esplin – they were not interested in the course. A membership meeting was called for, 70% voted to remain open and continue the social experience. They then approached SunRiver, who presented a business plan that the trustees voted on. Every decision made, the vote was unanimous. If the Bloomington Country Club continued to operate as they were, the ponds would be dried up, grass would be brown and buildings would be vacant. Currently, they do not have any delinquent taxes and all of their bills are up to date. They have \$28,000 remaining. He encouraged the Council to approve the request. Not one member has made a negative comment on the direction the course is taking.

Steve Whitlock, resident, stated that he will be impacted greatly; however, they are not trying to remove the entire 200 acres of open space. The loss of sight lines will occur only behind his home. He is aware that there are legal issues that will have to be addressed as well as traffic issues. The alternative is too hard to contemplate; this plan is the best he has seen.

Wendy Johnston, resident, mentioned that she was present at the Planning Commission and City Council meetings last spring when the request was to change the zoning along Bloomington Drive. At that time, one of the Councilmembers was concerned with having only sixteen homes there. She is concerned with high density and asked that they lower it.

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Clark Liam, resident, explained that they bought their home at the north end of section M, a high density area. When they found out there may be development, he was concerned. If there is high density and 3-story buildings, it will look like a big city. Mr. Blair met with him and showed him plans and discussed landscaping. He believes that if the residents can see additional plans, it would be appreciated.

Cecil Wall, resident, stated that nothing will be done if it is not economically feasible. He commented that what is happening currently is amazing and recommended the plan be approved.

Dana Tisher, resident, commented that they were members of the Country Club for six years. She suggests the current members welcome new members as they are not very friendly.

Mayor Pike closed the public hearing.

City Attorney Shawn Guzman emphasized that the annexation does not affect CCR's. Ownership is examined and whether it meets state statute. In 1982, the original agreement says that CCR's will remain in place. Unless the CCR's violate law, they remain in place. The CCR's may create a private right of action; however, the City is not party to them. The City has no way to force the current owners to operate the facility as a golf course. The annexation agreement states that it is subject to the City Council approval and not be able to predetermine the outcome.

City Manager Gary Esplin clarified that when the annexation took place, the City said, under no condition, will it be a party to an HOA enforcing the covenants that are outside the City zoning ordinance. That is the responsibility of the HOA. This is a similar situation to what took place in 1982 - they requested to annex into the City. The City agreed that the existing rights would remain and they would be allowed to continue as they were operating. This is a general plan amendment. The Council has to determine if the uses make sense to the overall development of Bloomington. He commented that everyone has the right to request a general plan amendment and golf courses across the United States are in trouble.

Mr. Kohler asked to be heard again to address minutes from 2004 as he believes it contradicts what the City Manager has said.

City Manager Gary Esplin stated that the minutes do not include everything that was said. He is stating his feelings as of today.

Mayor Pike stated that the public hearing is closed. At this point, he does not feel it is material. He explained that City Manager Gary Esplin does not vote.

Councilmember Hughes commented that the Council needs to make a decision on what is taking place now, not what happened in the past.

Councilmember Bowcutt stated that he firmly believes the Council and most citizens continue to want this community be a great place to live.

- MOTION:** A motion was made by Councilmember Randall to amend the general plan from OS to LDR, MDR and HDR on approximately 22.33 acres located at the Bloomington Golf Course, Country Club and off Bloomington Drive and generally west of the Virgin River.
- SECOND:** The motion was seconded by Councilmember Almquist.
- VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/STREET VACATION/ORDINANCE:**

**Public hearing to consider vacating a portion of 200 South between 200 East Street and 300 East Street and all of 200 South between 300 East Street and 400 East Street. Washington County School District, City of St. George, applicants.**

Assistant Public Works Director Wes Jenkins presented the request to vacate a portion of 200 South between 200 East Street and 300 East Street. He outlined the portion to be vacated as well as an aerial map of the area.

City Manager Gary Esplin explained that it is important to note that there is no intention of closing the road. This request abandons the right-of-way so Worthen Park can be master planned, tying it into the SunBowl and the school.

City Attorney Shawn Guzman advised that the road will be abandoned to the City; the School District will purchase the small portion as part of the property purchase.

Mayor Pike opened the public hearing.

John Miles, resident, presented a written letter. He sees advantages of vacating the road as there have been issues; however, he is opposed because the street in front of his property will be narrowed. He wants the money that the City receives from the sale of the road as his property value will decrease. If the City takes his property without just compensation and the road is not reverted back to the original size, he will sue the City.

Gayla Brann, resident, asked why 200 South is being closed.

City Manager Gary Esplin explained that it is not being closed; but it is being narrowed to slow down the traffic because children will be present. 400 East will still be accessible. The school has asked to limit access.

Ms. Brann commented that there will be a negative impact if it were closed.

Richard Cox, resident, asked if there is an intention to relocate the power lines along 200 South. He mentioned that they have a power line in the middle of their yard.

City Manager Gary Esplin stated that staff can look into that.

Mona West, resident, stated that she is concerned with emergency services.

Mayor Pike reiterated that the road is not being closed therefore; this will not be a significant impact.

City Manager Gary Esplin stated that some of the roads were abandoned at Dixie State University. He explained that a 25-foot road is required for emergency services. Nothing in front of Mr. Miles' property is being abandoned. The abandonment is the extra right of way outside of the curb. There is more than adequate right of way there. The money from the sale of the road will go to City to relocate the horseshoe pits and improvements.

City Attorney Shawn Guzman explained that most of the property being abandoned is already being used for the park.

City Manager Gary Esplin commented that he believes this will be a good thing as it will slow drivers down.

A discussion took place regarding the noticing of this request after Ms. West believed there was not enough public notice.

Mayor Pike closed the public hearing.

**MOTION:** A motion was made by Councilmember Hughes to approve the street vacation of 200 South between 200 East Street and 300 East Street.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

Mayor Pike called for a short recess.

**CLASS C ALCOHOL LICENSE AND LOCAL CONSENT:**

**Consider approval of Class C Alcohol License and Local Consent for the Holiday Inn restaurant (Burger Theory) located at 1808 South Crosby Way. James Burgess, applicant.**

City Manager Gary Esplin explained this request is for the Burger Theory restaurant in the new Holiday Inn near the Dixie Center.

**MOTION:** A motion was made by Councilmember Hughes to approve the Class C beer license and local consent and local consent for the Holiday Inn restaurant Burger Theory.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall – aye

Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/BUDGET AMENDMENTS/RESOLUTION:**

**Public hearing to consider amendments to the Fiscal Year 2015-16 Budget.**

City Manager Gary Esplin outlined the proposed amendments to the 2015-16 Fiscal Year budget as follows: 1) to increase the funding for a new fire truck from \$800,000 approved in the budget for a pumper, to \$1,100,000 to upgrade to a pumper/ladder combination truck (quint); 2) to re-budget for three federal Justice Assistance Grants awarded but not yet expended for 2013, 2014, and 2015 for \$13,869; \$14,048; and \$18,626 respectively to be applied towards body-worn cameras, computers, and an ATV; 3) to budget for the Heads Up Thumbs Up grant (for a third year) from the State of Utah which includes overtime distracted driving enforcement; 4) to budget for funds to cover the car wash area at the airport to come into compliance with State and City storm water control requirements; 5) to budget for the purchase of a farm tractor and implements for the Historic Seegmiller Farm Park to be funded by proceeds from the sale of substation property to Dixie Power that were receipted into the Park Impact Fund; 6) to budget for sponsorship of the George Streetfest for July through October 2015 at \$2,000 per month and November 2015 through June 2016 at \$2,300 per month; 7) to carryover the unused portion of the Fiscal Year 2014-15 budget for the Heads Up Thumbs Up grant from the state of Utah which includes overtime for distracted driving enforcement; 8) to budget for purchase of a replacement canine and related costs (shipping, kennel, etc.) for the Drug Task Force for \$10,000 and to transfer \$15,000 to Washington City Police for equipment purchases from available money seized from drug dealers; 9) to carryforward unexpended funds from the prior year to complete the multi-year project and include paving the parking lot at the Hela Seegmiller Farm Park; 10) to increase the budget from \$230,550 to \$249,200 for the Middleton Wash Trail Repairs to fully fund the construction bid award, construction management costs, and other permit fees; 11) to budget for the bond issuance, improvement projects to be funded by the bond proceeds, debt service, annual contribution to Tuacahn, and other related costs for the RAP Tax fund; 12) to carryforward approved yet unexpended funds from the prior year to complete the multi-year project; 13) to budget for the sale of the Elks Baseball field property to the School District and create a budget for engineering and construction costs for the replacement field at Bloomington park; and 14) to budget for the Energy Efficiency study/contract with McKinstry and the Energy Efficiency improvement projects for City-owned facilities; and approve the

related interfund loan agreement. He explained that regarding the McKinstry, it will include an inter-fund loan from E.S. to the General Fund to pay for the cost of the improvements.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Almquist to approve the amendments to fiscal year 2015-16 budget as submitted including the inter-fund loan for the McKinstry energy efficient improvement project.  
**SECOND:** The motion was seconded by Councilmember Randall.  
**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**AMEND TITLE 9, CHAPTER 14 OF CITY CODE/ORDINANCE:**

**Consider approval of an ordinance amending Title 9, Chapter 14 of City Code pertaining to Stormwater Management.**

City Manager Gary Esplin explained that the City receives a permit from the State for stormwater to be discharged. The proposed ordinance amendment beefs up the requirement that the City has to take on as well as the developers to see that the stormwater runoff is managed correctly. Staff has been meeting with State officials and has been making the recommended changes.

City Engineer Jay Sandberg explained that the EPA gives the State a permit who in turn gives the City a permit. Maintenance agreements will have to be signed. The developer is required to take care of the storm runoff until the development is complete. If approved, the appendix will not be approved as the Legal Department asked for it to be removed.

City Attorney Shawn Guzman advised that if the ordinance refers to an appendix, it should be approved at the same time. He asked if he knows what changes he wanted to make.

Mr. Sandberg explained that the ordinance references an agreement between the City and the developers. Deputy City Attorney Paula Houston suggested they change the agreement; it is not referenced as an appendix. If a detention basin is public, the City takes it over. If private or as part of the entity, it is inspected once a year, sending a notice to the City that it has been done.

City Manager Gary Esplin suggested looking to see if the City should take over the detention basin as he does not want staff to regulate the developer. If they want to maintain the basin, they should be required to have an HOA.

**MOTION:** A motion was made by Councilmember Hughes to amend Title 9, Chapter 14 of City Code pertaining to Stormwater Management, excluding the appendix.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION/RESOLUTION:**

**Consider approval of a resolution authorizing the filing applications for funding requests and acceptance of funding from the Federal Transit Administration.**

Public Works Director Cameron Cutler advised these next two are housekeeping items. He explained that Title Six is a report that comes out and needs to be approved.

City Manager Gary Esplin explained that the Council has to authorize staff to apply for the federal funds.

**MOTION:** A motion was made by Councilmember Hughes to approve the resolution authorizing the filing of applications with the FTA.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**SUNTRAN TITLE SIX REPORT/RESOLUTION:**

**Consider approval of a resolution approving the SunTran Title Six Report.**

**MOTION:** A motion was made by Councilmember Hughes to approve the resolution approving the SunTran Title Six Report.

**SECOND:** The motion was seconded by Councilmember Randall.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**SET PUBLIC HEARINGS:**

Planner Ray Snyder advised at its meetings held on October 27, 2015 and November 10, 2015, the Planning Commission recommended setting public hearings on December 3, 2015 to consider: 1) a zone change amendment request to construct a short term rental project, Magnolia Hills at Green Valley with fourteen (14) building and forty-six (46) units on 7.49 acres in the PD-R zoning district located off Plantations Drive between World Mark by Wyndam, Green Valley Spa and Las Palmas; 2) a zone change request to change 0.80 acres from R-1-10 to C-2 to accommodate the future development of an auto service shop and car sales lot, Auto Gallery, located west of the existing Auto Gallery at the corner of 700 South and 1100 East Street; 3) a zone change from R-4 to PD-SH on 1.6 acres to accommodate a fifty-six (56) unit, two hundred sixty-five (265) bed student housing project, Vintage at Tabernacle, located at approximately 850 East Tabernacle; 4) a zone change amendment to expand the IHC Medical Campus by the construction of three (3) new buildings, remodeling portions of the existing building, adding a new two-story concourse, adding additional parking, landscaping, providing a temporary one-story building and by the creation of a "Livewell Park" located on River Road; 5) the "use" addition of an Art Studio/Gallery to the Baron Commercial Center, approved in a PD-MNF zone use list; property is located at 620 North 1100 East Street; 6) amendments to the following chapters and sections in Title 10 zoning regulations regarding accessory buildings; and 7) a General Plan amendment to change the land use designation from RESORT, TC, MDR, HDR, and LDR to COM on approximately 187 acres located at the former St. George Municipal Airport at approximately 500 West and from 300 South to 1600 South. The request pertaining to Kachina Springs was withdrawn by the applicant.

**MOTION:** A motion was made by Councilmember Bowcutt to set the public hearings on December 3, 2015.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall – aye

Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

A discussion took place regarding setting some of the public hearings be postponed to December 17, 2015 at staff's discretion.

**FINAL PLAT:**

Assistant Public Works Director Wes Jenkins presented the final plat for Escapes at the Ledges Phase 3, a 29-lot residential unit located at approximately 1720 West and 5000 North; zoning is PD-R. He showed the final plat.

**MOTION:** A motion was made by Councilmember Almquist to approve the final plat for Escapes at the Ledges Phase 3.

**SECOND:** The motion was seconded by Councilmember Randall.  
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**FINAL PLAT:**

Assistant Public Works Director Wes Jenkins presented the final plat for The Ledges of St. George White Rocks Phase 3, a 7-lot residential subdivision located at approximately 1550 West and 4840 North; zoning is PD-R. He showed the final plat.

**MOTION:** A motion was made by Councilmember Bowcutt to approve the final flat for The Ledges of St. George White Rocks Phase 3.

**SECOND:** The motion was seconded by Councilmember Almquist.  
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**FINAL PLAT:**

Assistant Public Works Director Wes Jenkins presented the final plat for Hawthorne Estates Phase 3, a 14-lot residential subdivision located at approximately 3060 East and 3450 South; zoning is R-1-10. He showed the final plat.

**MOTION:** A motion was made by Councilmember Randall to approve the final plat for Hawthorne Estates Phase 3.

**SECOND:** The motion was seconded by Councilmember Almquist.  
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**FINAL PLAT:**

Assistant Public Works Director Wes Jenkins presented the final plat for SunRiver at St. George Phase 47, a 20-lot residential subdivision located at approximately 1290 East 5080 South; zoning is PD-R. He showed the final plat.

City Manager Gary Esplin commented that he is concerned with water. The developer was informed they could not have any additional subdivisions - this is an existing subdivision.

**MOTION:** A motion was made by Councilmember Hughes to approve the final plat for SunRiver at St. George Phase 47.  
**SECOND:** The motion was seconded by Councilmember Almquist.  
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**FINAL PLAT AMENDMENT:**

Assistant Public Works Director Wes Jenkins presented the final plat amendment for two (2) residential subdivision final plats – Paragon Cove Townhomes at Stonecliff Phase 2 and Paragon Cove Townhomes at Stonecliff Phase 4. The properties are located on View Point Drive (lot 204) and Lepido Way (lot 411); zoning is PD-R. The purpose of the amendment is to merge lot 204 with lot 411. He showed the amendments on the final plat.

**MOTION:** A motion was made by Councilmember Almquist to approve the final plat amendment for Paragon Cove Townhomes at Stonecliff Phase 2 and Paragon Cove Townhomes at Stonecliff Phase 4, lots 204 and 411.  
**SECOND:** The motion was seconded by Councilmember Hughes.  
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**FINAL PLAT AMENDMENT:**

Assistant Public Works Director Wes Jenkins presented the final plat amendment and lot line adjustment to adjust the lot line between Kachina Springs East Phase 3 and the parcel to the north, moving it approximately ten feet (10') towards the back of the curb. The parcels are located at 2139 West Cougar Rock Circle; zoning is PD-R. He showed the amendments on the final plat. The purpose of the amendment is to deed the property owners back to the owners. The City will maintain the easement. It will not impact the private road.

**MOTION:** A motion was made by Councilmember Almquist to approve the final plat amendment and lot line adjustment between Kachina Springs East Phase 3 and the parcel to the north.  
**SECOND:** The motion was seconded by Councilmember Randall.  
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye

Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**LICENSE AGREEMENT:**

**Consider approval of a license agreement with ForeUP for a new point of sale system for the City golf courses.**

City Manager Gary Esplin explained this agreement is for a new point of sale system at the golf courses. This system will help set tee times after hours or if staff is unavailable, making the process more user friendly.

**MOTION:** A motion was made by Councilmember Hughes to approve the license agreement with ForeUP for a new point of sale system.

**SECOND:** The motion was seconded by Councilmember Randall.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**2015 HOMELAND SECURITY GRANT PROGRAM AGREEMENT:**

**Consider approval of the FY 2015 Homeland Security Grant Program Agreement.**

City Manager Gary Esplin advised this agreement is with Homeland Security for the 2015 grant. This is done annually.

Fire Chief Stoker explained that this started in early 2000's. End users are cities or other agencies in the region. It is required to be renewed annually.

City Manager Gary Esplin stated that the Five County area has one hazmat response team. The City is the major entity and houses most of the equipment.

**MOTION:** A motion was made by Councilmember Hughes to approve the FY 2015 Homeland Security Grant Program Agreement.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**NAME GALLERY IN THE ELECTRIC THEATER:**

**Consider approval name for the gallery portion of the Electric Theater.**

City Manager Gary Esplin advised that staff and the arts groups recommend Arrowhead Gallery.

**MOTION:** A motion was made by Councilmember Almquist to name the gallery portion of the Electric Theater the Arrowhead Gallery.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall – aye

Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

City Manager Gary Esplin mentioned the Redevelopment Agency Meeting. He explained that under state law, the City is required to submit reports by November 1<sup>st</sup>. Those reports are ready to be submitted; there is nothing surprising in the report. The public hearing will be postponed to a later date to amend the RDA budget.

**MINUTES:**

**Consider approval of the minutes from the meeting held on September 24, 2015.**

**MOTION:** A motion was made by Councilmember Hughes to approve the minutes from September 24, 2015.

**SECOND:** The motion was seconded by Councilmember Randall.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall – aye

Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the meeting held on October 8, 2015.**

**MOTION:** A motion was made by Councilmember Almquist to approve the minutes from October 8, 2015.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the meeting held on October 15, 2015.**

**MOTION:** A motion was made by Councilmember Randall to approve the minutes from October 15, 2015.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:**

Mayor Pike mentioned the recent MPO meeting and the BLM response letter. Additionally, he provided an update on curbside recycling which has an 85% participation rate.

Councilmember Almquist reported that the Hillside Review Board met regarding the property at Ft. Pierce and River Road. The applicant would like to take down the hill. The board recommended it go to the Planning Commission and City Council with caveats relative to the size of the hill and whether it met the description of a small, noncontiguous hill.

**ADJOURN TO CLOSED SESSION:**

**MOTION:** A motion was made by Councilmember Bowcutt to adjourn to a closed session to discuss land sale and purchase.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

**ADJOURN:**

**MOTION:** A motion was made by Councilmember Almquist to adjourn.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pike called for a vote, as follows:

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Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

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Christina Fernandez, City Recorder